

UNITED STATES DISTRICT COURT

for the
Middle District of Georgia
Columbus Division

FILED '22 DEC 09 PM 01:59 MDGA-COL

CAROL WILKERSON

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Case No. 4:22-cv-196 (CDL)

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ NoKINETIC CREDIT UNION (See Attachment)

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Carol Wilkerson314 Seale Rd. Apt. 4Phenix City, RussellAlabama, 36869912-259-0711wilkerson carol25@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

KINETIC CREDIT UNION

1251 13th St.

Columbus, Muscogee

Georgia, 31901

706-320-8500

Defendant No. 2

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Sandra McKenzie

Loan Officer at Kinetic Credit Union

1251 13th St.

Columbus, Muscogee

Georgia, 31901

706-320-8500

Defendant No. 3

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Teresa Allen

Loan Manager at Kinetic Credit Union

1251 13th St

Columbus, Muscogee

Georgia, 31901

706-320-8500

Defendant No. 4

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Brain Allen

Branch Manager at Kinetic Credit Union

1251 13th St

Columbus, Muscogee

Georgia, 31901

706-320-8500

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case. *Title 5 USC 552a, "Common Law," U.S. Code Title 12 Chp. 14*

Sec. 1787

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) Carol Wilkerson, is a citizen of the
State of (name) Alabama.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
under the laws of the State of (name) _____,
and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (name) Sandra McKenzie, is a citizen of
the State of (name) Georgia. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) Kinetic Credit Union, is incorporated under the laws of the State of (name) Georgia, and has its principal place of business in the State of (name) Georgia.
Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.) (See. Attachment). (2)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

90,500 is the total of loans I applied for online.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

See. Attachment (3)

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

See. Attachment

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

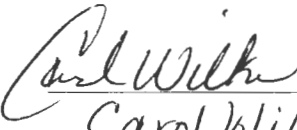
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12-9-22

Signature of Plaintiff

Printed Name of Plaintiff



Carol Wilkerson

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

On October 20, 2022 I had applied for a \$500-dollar loan online at Kinetic Credit Union. While applying for this loan I was asked a series of questions. One being my how much and once Plaintiff had answered this question the next question asked me "Do I plan to make installments with share transfers Yes or No?" And I answered yes to this question. Another question I was asked for my email address. Upon the completion of my online loan application Plaintiff had received an email from Kinetic Credit Union Headed KINETIC CREDIT UNION VALIDATION CODE AND IMPORTANT DOUCUMNETS ATTACHED. Plaintiff was asked to enter the validation code that was sent to my email address which was: 161624. In this email it tells the Plaintiff. "If you are only applying for a loan, no disclosures will be attached to the email; however, please confirm your email address by entering the validation code shown in this email as requested. Please retain the attached documents and disclosures related to your application. If you have any questions or need assistance give us a call at 706-320-8500. Thank you, Kinetic Credit Union. Then my email goes on to state an Important Message: with instructions on how to respond if you're not the individual(s) this email was intended for. The 3 documents Plaintiff had received from Kinetic Credit Union is as follows:

- (1) Membership and Account Agreement and Disclosures with Privacy Document without Opt-out.
- (2) Truth-in-Savings Disclosure Fee Schedule with Effective October 1, 2022
- (3) Truth-in-Savings Disclosure with Kinetic Credit Union logo specially describing all of my eleven share accounts. Also stating that All accounts described in this Truth-in-Savings disclosure are share accounts.

On October 21, 2022 I had received a call from Sandra McKenzie the loan officer for Kinetic Credit Union in Columbus, Georgia. Plaintiff asked Sandra McKenzie about her \$500-dollar loan that Plaintiff had submitted online. Sandra McKenzie told Plaintiff that her account was closed because Plaintiff didn't deposit any money into her account. Plaintiff told Sandra McKenzie that she was confused about the email at first and needed time to consult with an attorney. Plaintiff did her own research as to the important documents that she had received from Kinetic Credit Union and realized that she has a savings that has been drawing interest and dividends for 28 years. Plaintiff had called kinetic credit union around the first weeks of November, 2022 and was transferred to Sandra McKenzie's voicemail. I left numerous of messages as to my \$500 loan application status and Sandra didn't return none of my calls.

On November 17, 2022 Plaintiff had applied for another loan online with kinetic credit union for \$15,000 validation code: 721872. And the same loan process that Plaintiff completed on October 20, 2022 is the same response Plaintiff got from Kinetic credit union on October 20, 2022 as to the same series of question "How much would you like to barrow?" "Do you plan to make installments with share transfers?" and my answer was: Yes. Along with "What is my email address?" Plaintiff got the same email from Kinetic Credit Union headed KINETIC CREDIT UNION VALDATION CODE AND IMPORTANT DOCUMENTS ATTACHED. With this email stating the same thing as the email on October 20, 2022.

On November 20, Plaintiff called Kinetic Credit Union to check the status of her November 17, 2022 online loan application and was transferred to Teresa Allen the Loan Manager for Kinetic Credit Union. Plaintiff asked Teresa Allen what was the status of her online application she submitted on November 17, 2022 Teresa Allen told Plaintiff that she didn't see her application online. The only application she sees online was Plaintiff's application she submitted on October 20, 2022. And that account was closed because Plaintiff didn't deposit any money into her account. On November 21, 2022 Plaintiff applied again online with kinetic credit union for another \$15,000-dollar loan validation code: 403735. Plaintiff had to answer the same type questions she had to answer in her online loan application on October 20, 2022, and November 17, 2022. Plaintiff got another email from kinetic credit union heading KINETIC CREDIT UNION VALDATION CODE AND IMPORTANT DOCUMENTS ATTACHED. Plaintiff had revived from Kinetic credit union the same important documents that she had received from kinetic credit union on October 20, 2022. On November 23, 2022 I had called kinetic credit union to check the status of all three of my loan and I was transferred to Teresa Allen the Loan manager for kinetic credit union again. Plaintiff asked Teresa Allen what was the status of her three loans? Teresa Allen told the Plaintiff again the only loan she sees online from the Plaintiff was on October 20, 2022. She didn't see Plaintiff's November 17, 2022 for \$15,000 or November 20, 2022 for \$15,000. Teresa Allen told the Plaintiff to come into the branch to show her ID.

On November 25, 2022 Plaintiff had applied online for a used car loan for \$60,000 with kinetic credit union validation code: 450417. Plaintiff had to complete the same online loan application process as she did on October 20, 2022 along with her previous applications. Again, one of the series of questions asked Plaintiff after asking her amount to barrow again "Do you plan to make installments with share transfers Yes or No?" Plaintiff always selects: Yes. Plaintiff again receives an email from kinetic credit union heading; KINETIC CREDIT UNION VALDATION CODE AND IMPORTANT DOCUMENTS ATTACTED. This email states the same thing as the previous emails from kinetic credit union to the Plaintiff. On November 28, 2022 I had called kinetic Credit union to find out what was the problem and why haven't I gotten any of my share. I was transferred to Brain Allen Branch Manager for kinetic credit union. Plaintiff asked Brain Allen why she haven't received any of her loan money. Brain Allen told Plaintiff that he didn't see nothing but my October 20, 2022 online loan application and that my account was closed due to me not depositing any money into the account. Brain Allen told Plaintiff that he didn't see her November 17, 2022, November 21, 2022, nor Plaintiff's November 25, 2022 used car loan application she submitted online. On December 1, 2022 Plaintiff went the kinetic credit union at 1251 13th St. Columbus, Ga. 31901 in person to show her id like Teresa Allen instructed Plaintiff to do and upon her arrival she was seen by Brain Allen. As Plaintiff was entering Brian Allen's office she over heard him say something under his breathe to the effect "Your about to old to claim it" O well Plaintiff wants her old share. Brain Allen asked Plaintiff for ID. Plaintiff gave him her Alabama driver's license and the Brain gave Plaintiff her Id. back and said "You don't have no accounts or agreements with kinetic credit union".


RELIEF

Because of the named defendant's knowingly and willingly deceived the Plaintiff from her dividends as to her share accounts with Kinetic Credit Union according to Plaintiff's agreement with Kinetic Credit Union. Plaintiff ask the court to order Kinetic Credit Union and its employees named in this complaint to perform as her agreement specifically states now and in the future. And for Kinetic Credit Union to pay the Plaintiff the amount of her online loans totaling \$90,500. And any and everything this court deems that the Plaintiff is entitle to under the law. And any criminal charges that may apply to this case as a result to the defendant (s).

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing PLAINTIFF'S COMPLAINT FOR A CIVIL CASE was mailed to Kinetic Credit Union, Sandra McKenzie, Teresa Allen, and Brain Allen at P.O. Box 9818 Columbus, Georgia 31908 by pre-paid U.S. Postage.

Respectfully submitted this 9th of December, 2022.

A handwritten signature in cursive script, appearing to read "Carol Wilkerson", written in dark ink. The signature is positioned above a horizontal line.

Carol Wilkerson
314 Seale Rd. Apt. 4
Phenix City, AL. 36869
Cell Phone Number: 912-259-0711